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City Council Agenda  
Meeting of  
October 12, 2004



## **STAFF REPORT**

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### **Discussion and Direction of Residential Parking Standards Update**

#### **Honorable Mayor and Council Members**

#### **Summary**

One of the Community Development projects on the Council's Priority Calendar is an assessment of the single-family residential parking standards to determine potential amendments to the Belmont Zoning Ordinance. This was a new item from Council added as part of the Spring 2004 Priority Calendar review. This memo seeks to clarify with the Council the specific issues to be addressed in the amendment. From Council's direction at the 10/12/04 meeting, staff will prepare detailed amendment language for consideration by the Planning Commission and adoption by the Council.

The Council continued the item from the 9/28/04 meeting to allow for Council questions and staff responses in relation to the matter. Staff has attached questions received through 10/6/04, the associated responses, and a summary of other jurisdiction regulations on their definition of a "bedroom" (See Attachment I). Additional Council questions received will be provided with a staff response in advance of the 10/12/04 meeting.

#### **Background/Prior Amendment History**

In 1996, the Off-Street Parking & Loading Section (Section 8) of the Belmont Zoning Ordinance was amended to address the issue of home expansions. At that time residents were expanding dwellings within their allowable floor area cap without providing for additional garage parking. In many cases, bedrooms were being added which resulted in three and four bedroom homes with no garages. The ordinance was amended to require two car garages when one or more bedrooms were being added to the dwelling unit.

In January 1999, the City Council approved an amendment to the Belmont Zoning Ordinance to require Design Review approval by the Planning Commission if 400 square feet of floor area is added to a dwelling outside the building envelope. The Design Review process has generally been successful in that it has allowed the Commission to review residential building additions in concert with parking requirements on a case-by-case basis to assure compatibility with residential neighborhoods.

In June 2001, the City Council approved an amendment which increased the single-family residential parking standard from two spaces in a garage to four spaces – two within a garage and two uncovered. The amendment also mandated a parking upgrade to this standard when more than one bedroom was added as part of residential addition. In May 2004, the Council approved amendments relating to Secondary Dwelling Units (revised development standards, administrative/discretionary review, etc.). These amendments also included revisions to the required parking for such single-family dwellings which would establish a new secondary unit.

Since adoption of the 2001 amendment, and especially within the last nine months, there has been a growing concern from the Planning Commission relating to residential additions that have included no parking upgrades. Specific attention has focused on the definition of a bedroom as it related to such projects.

## **Discussion**

### Current Ordinance – Single Family Residential Parking Requirements

As discussed earlier, at issue has been the lack of a parking upgrade (to conform with the standard of two garage spaces and two additional spaces) for single family residential projects, and what constitutes a “bedroom”. The specific ordinance language in question is as follows:

#### *BZO Section 8.1.4 (Scope of Regulations)*

*At the time of erection or enlargement of any building containing one or more dwelling units, or of the addition of one or more dwelling units to or within an existing building, unless otherwise prohibited in this Ordinance, there shall be provided and maintained not less than four vehicle spaces - two (2) automobile garage spaces and two (2) spaces which need not be covered - for each new or added dwelling unit in any one or two family structures, and not less than one (1) automobile garage space plus one (1) additional on-site parking space for each new or added unit in any multi-family structure. Furthermore, there shall be provided and maintained not less than four vehicle spaces - two (2) automobile garage spaces and two (2) spaces which need not be covered - for each dwelling unit in any one or two family structure when more than one bedroom is being added to such dwelling unit. For purposes of this section, a bedroom shall be defined as any room which is at least 70 square feet in area and includes both a built in closet framed within the walls of the room and a door which separates the room from adjoining floor area within the dwelling unit.*

*Notwithstanding this section, all secondary dwelling units shall comply with the parking standards set forth in Sections 8.4.1(f) and 24.3(i) of the Belmont Zoning Code.*

### Areas of Concern w/the current Zoning Language

Specific issues with the current ordinance as it relates to Single Family Residential development have been centered on:

- Large scale proposed additions (750 –1,000 square feet) with no parking upgrade.
- Home remodel projects which either 1) add only one bedroom or 2) do not increase the bedroom count but add dens, sewing rooms, office rooms, etc. which could be utilized as a bedroom in the future.

These issues have resulted in the concern that substantial expansions of single-family residences are occurring with no parking upgrades to the site. This would potentially result in increased use of on-street parking opportunities to satisfy individual off-street parking needs.

### Bedroom Definition

Staff notes that there is a bedroom definition in BZO Section 2 as follows:

*2.16 BEDROOM - Any room, other than a bathroom, kitchen or the principal living room in a residential structure, which is suitable for or capable of being used for sleeping accommodations.*

While the definition in Section 8.1.4 controls in assessing parking upgrades, staff believes that 1) two definitions for one term cause confusion, and 2) the definition should not be buried among the parking standards. Staff recommends one stand-alone definition (in BZO Section 2) to remove any ambiguity with assessment of what constitutes a bedroom for purposes of residential additions.

### Alternatives/Additional Thresholds to Require Parking Upgrades

Staff believes that a revision of the single family residential parking standards could lead to more on-site parking being provided with expansion of single family homes. Potential amendment language to Section 8.1.4 to further trigger an upgrade could include:

1. Any floor area modifications which result in a dwelling totaling three or more bedrooms.
2. 400 or more square feet of gross floor area added to a dwelling (current threshold for Single Family/Duplex Design Review). This would require conforming parking for all applications reviewed by the Commission for Design Review.
3. 750 or more square feet of habitable space added to an existing dwelling either within the existing building envelope or not.
4. One bedroom being added to a dwelling unit.

### **Result of Potential Amendments**

Any of the additional thresholds would force more applicants to face parking upgrades, either by complying with the two-car garage & two off-street space requirement or seeking a Variance from the Commission. Approval of a variance would require satisfaction of all findings as outlined in Section 14.5.1 (Variances) of the Belmont Zoning Ordinance.

Of the alternatives presented, staff believes that those which retain the number of bedrooms as a parking criteria will continue to encourage the creative labeling of new living space. Our recommendation is to focus on total livable area as the trigger for providing parking upgrades.

### **Fiscal Impact**

None.

### **Recommendation**

Staff recommends that the Council review the issues in this staff report and provide direction as detailed above.

### **Alternatives**

1. Suspend the Single Family Residential Parking Ordinance Amendments at this time.
2. Refer back to staff for additional information.

### **Public Contact**

This matter was placed on the agenda and posted as required by the California Government Code.

### **Attachments**

- I. Response to Council questions & other jurisdiction regulations on definition of “bedroom” (additional responses to be presented in advance of 10/12/04 meeting).

Respectfully submitted,

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Carlos de Melo  
Principal Planner

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Craig A. Ewing, AICP  
Community Development  
Director

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Daniel Rich  
Interim City Manager

## **ATTACHMENT I**

### **Council Questions/Staff Responses**

***Councilmember Warden:*** *Is there any way to define a bedroom that is both completely fair and objective?*

**Staff:** I think our current definition is "fair and objective", but it doesn't trigger the upgraded parking the way we want it to. People have found a loophole - they can add rooms that don't meet the definition of 'bedroom' but still use them as bedrooms. In doing so, they expand the house without adding parking.

***Councilmember Warden:*** *What problems has the Planning Commission run into with the current bedroom definition?*

**Staff:** The Commission has reviewed a number of house additions with new rooms labeled "office", "den", "gym" and the like. These rooms do not meet our definition of "bedroom", since they lack closets and doors to the hallway; yet, they seem intended as bedrooms.

***Councilmember Warden:*** *Are the parking requirements for secondary units we have now stringent enough (in your and PC's opinion)?*

**Staff:** I can't be sure of the Commission's view on this. For myself I think the parking standard of one space per bedroom is OK, though a one-bedroom unit could easily need two spaces. Unfortunately, the state has pre-empted us on this one with last year's amendment.

### **Other Jurisdiction Definitions of "Bedroom" in Relation to Parking**

#### **City of Glendale**

Section 30.11.050 A of the Glendale Municipal Code states "For purposes of this section, dens, studies or other similar room which may be used as bedrooms shall be considered as bedrooms."

Bedrooms only affect parking in our multi-family zones. For a efficiency, one or two bedroom unit, 2 spaces are required. Three bedrooms require 2.5 spaces and any unit over 1600 square feet requires 3. For single family dwellings, parking is based on square footage, not bedrooms.

#### **City of Thousand Oaks**

The City of Thousand Oaks does not have a specific Municipal Code definition of what qualifies as a bedroom. However, we do base our parking requirements for dwellings based on the number of bedrooms. As a policy, we have counted any room that contains a permanent closet or storage area as a bedroom, excluding kitchens, living, family, dining or similar areas or rooms that do not meet minimum building code requirements to be used as a bedroom.

It has been our experience that homeowners will remove a closet or storage area from a bedroom and call it out as an office, rec. room, library, etc. in order to meet our parking standards and add on a bedroom. It is a difficult situation since they may use an armoire or similar furniture item as a closet. In some cases we require deed restrictions on the property specifying the limitation on the number of bedrooms, depending on the situation, which provides disclosure to a purchaser of the property.

#### **City of San Marino**

"Any room which is not a kitchen, dining room, living room, family room or bathroom and which is designated as a bedroom or is capable of being used for sleeping quarters, which contains a closet, or to which a closet could be added, which has a nearby or adjacent bathroom, and which meets the requirements contained in Section 23.02.10 of this Chapter"

We require that the minimum number of garage spaces be brought up to Code whenever one proposes to either increase the size of an existing bedroom by at least 25% or whenever a new bedroom is added. We pay close attention to rooms labeled as "study", "library", "workout room" "playroom" or any other room that could possibly be used and counted as a bedroom. We require a two-car garage for 4 bedrooms or less and a three-car garage for 5-6 bedrooms.

#### **City of San Clemente**

"Bedroom" means any room which meets the minimum requirements of both the Zoning Ordinance and the Uniform Building Code for a Habitable Room, which is constructed in such a manner that less than fifty (50) percent of one (1) wall is open to an adjacent room or hallway and which can be readily used for private sleeping purposes shall be counted as a bedroom in order to determine parking or other requirements. For the purpose of calculating parking requirements, the following rooms which regularly make up a standard dwelling unit shall not be considered a "bedroom": one (1) kitchen, one (1) living room; one (1) family or recreation room; one (1) dining room; and the customary sanitary facilities. The City Planner shall determine whether or not a room qualifies as one (1) of the above exceptions, in accordance with the appeal provisions of Section 17.12.140, Appeals of an Action, of this title.

#### **City of Chowchilla**

We use our own criteria, in regards to closets. If the room has a closet, then it is considered a bedroom. We define closet as a space cut out for the storage of clothes, with doors. We ran into the problem of people calling them out coves for files or entertainment, etc.

#### **City of Hayward**

"An enclosed space in a structure which is designed such that it could be used for sleeping purposes as determined by the Planning Director. A bedroom typically meets the room dimension requirements of the most recent edition of the Uniform Building Code, is not accessed directly from the garage, and has one or more windows."

A two-car garage is required when the square footage of a house is being increased by 50 percent or more or when a bedroom is added. Since we are seeing "dens" and "prayer rooms" that could be used as bedrooms by subsequent owners, we attempted to make sure that are also be

considered "bedrooms."

**City of Santa Monica**

"A private room planned and intended for sleeping, separated from other rooms by a door and accessible to a bathroom without crossing another bedroom. (Added by Ord. No. 1826CCS § 1 (part), adopted 11/7/95)"

**City of Burlingame**

Bedroom means an enclosed area that:

- (a) is within a structure; and
- (b) is seventy square feet or more with no dimension less than seven feet;
- (c) contains one or more windows and a door and;
- (d) is not a kitchen, living room or dining room.

A room having the potential of being a bedroom shall be considered a bedroom for parking calculation purposes, unless the door way access to the room with potential for being a bedroom is only through another bedroom. If one wall is opened up 50% to another room or hall we do not call it a bedroom.